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Attorneys for Defendant

BMW OF NORTH AMERICA, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

JEFFERY A. KAISER,

Plaintiff,

vs.

BMW OF NORTH AMERICA, LLC; and
COUNCIL OF BETTER BUSINESS
BUREAUS, INC.,

Defendant.

CASE NO. C12-01311 DMR

The Honorable DONNA M. RYU

**STIPULATION AND [REDACTED]
ORDER OF DISMISSAL WITH
PREJUDICE AS TO DEFENDANT BMW
OF NORTH AMERICA, LLC**

Action Filed: March 16, 2012

WHEREAS, on May 20, 2013 Defendant BMW of North America, LLC served Plaintiff with an F.R.C.P. Rule 68 offer of Entry of Judgment;

WHEREAS, on May 31, 2013 Plaintiff, through his attorneys of record, accepted BMW of North America, LLC's offer;

WHEREAS, following Plaintiff's acceptance of BMW of North America, LLC's F.R.C.P. Rule 68 offer, the parties negotiated a resolution of Plaintiff's attorney's fees claim;

WHEREAS, Plaintiff and BMW of North America, LLC have now resolved all claims and causes of action by Plaintiff against BMW of North America, LLC alleged in the herein lawsuit;

WHEREAS, the parties have each performed the acts required under the terms of their settlement, including payment of consideration by BMW of North America, LLC;

4819-4622-5684.1

STIPULATION AND [REDACTED] ORDER RE DISMISSAL OF COMPLAINT AGAINST BMW OF NORTH AMERICA, LLC

1 IT IS HEREBY STIPULATED that Plaintiff's entire complaint and all claims contained
2 therein as against defendant BMW of North America, LLC shall be dismissed with prejudice.

3 IT IS SO STIPULATED.

4 Dated: July 15, 2012

KAISER GORNICK LLP

6 By: /s/ Dennis J. Canty
7 Dennis J. Canty
8 Attorneys for Plaintiff Jeffrey A. Kaiser

9
10 Dated: July 15, 2012

LEWIS BRISBOIS BISGAARD & SMITH LLP

11 By: /s/ Shahram Nassi
12 Roger S. Raphael
13 Shahram Nassi
14 Attorneys for Defendant BMW OF NORTH
15 AMERICA, LLC

16 **ORDER**

17 Pursuant to the Stipulation of the parties, IT IS HEREBY ORDERED that:

18 Plaintiff Jeffrey A. Kaiser's complaint and all claims contained therein as against
19 defendant BMW of North America, LLC shall be dismissed with prejudice.

20 IT IS SO ORDERED

21
22 Dated: July 15, 2013


23 Honorable Donna M. Ryu
24 United States Magistrate Judge

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